

REMARKS

Claims 13, 16, 17, 20 to 22 and 26 to 28 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,625,657 to Gallacher (hereinafter “Gallacher”). Claims 18, 19, 24, 25, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gallacher.

Claims 13 and 20 have been amended to correct a grammatical error (a colon has been inserted after the phrase “further comprising” in each amended claim). Claim 25 has been amended to properly recite to an existing claim.

Reconsideration of the application based on the following remarks is respectfully requested.

35 U.S.C. §102 Rejections

Claims 13, 16, 17, 20 to 22 and 26 to 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Gallacher.

Gallacher discloses a method for repairing a nuclear fuel rod assembly with a damaged fuel rod and/or a damaged spacer. The “nuclear fuel rod assembly [has] a plurality of spaced apart grid spacers comprising an arrangement of a first plurality of grid strips intersecting each other to form a first plurality of spacer cells through which fuel rods extend for maintaining the fuel rods in a predetermined position within said assembly, an upper tie plate located at the top of said assembly, and a grid spacer having a damaged spacer cell.” (Col. 2, lines 29 to 36).

Independent claims 13, 20 and 26 recite in part “spacer grids for holding the fuel rods, wherein the grids are secured to the guide tubes,” and “the lattice reinforcing device being disposed between two spacer grids and being secured to the guide tubes.” Claims 16 and 17 are dependent on claim 13, claim 21 is dependent on claim 20, claim 22 is dependent on claim 21 which in turn is dependent upon claim 20 and claims 27 and 28 are dependent on claim 26.

Gallacher specifically states that “[i]n some of the designs, the spacer grid is free to

move axially a small amount to accommodate minor changes in the axial length of the fuel rods during irradiation.” (Col. 1, lines 50 to 53)(emphasis added). Gallacher fails to teach or disclose “spacer grids for holding the fuel rods, wherein the grids are secured to the guide tubes,” (emphasis added) as required by independent claims 13, 20 and 26.

The Office Action asserts in section 1 on page 2 that in Gallacher the “lattice reinforcing device (i.e. the outermost walls of repair grid 50): a) is disposed between two spacer grids and secured to the guide tubes through the connections of the elements inside said walls (e.g., 38, 38’, 44, ...) to said guide tubes.” (emphasis added in the original). However, in fact the guide tubes 14 of Gallacher are not secured to the repair grid 50 through its outermost walls or through connections of elements inside said walls including the fuel rods 16. Sliding is permitted between the fuel rods 16 and the spacer grids 18 of Gallacher, and therefore sliding also occurs between the guide tubes 14 and the repair grid 50.

Furthermore, the outer walls of the repair grid 50 of Gallacher cannot be secured to the guide tubes through the elements 38, 38’, 44. Indeed the guide tubes cannot be received within the cells formed inside these outer walls. This is apparent from the mounting method of these repair grids. Gallacher, thus, specifically states that fuel rods are pulled from the damaged and adjacent cells, that the repair grid is positioned against the underside of the damaged grid spacer and then the fuel rods are slid back into the cells of the repair grid. (Col. 5, lines 12 to 42). The guide tubes are therefore not introduced in the cells of the repair grid 50.

Therefore, since Gallacher also does not teach or disclose “the lattice reinforcing device being disposed between two spacer grids and being secured to the guide tubes,” as specifically claimed, Gallacher does not teach all limitations of claims 13, 20 and 26 and cannot anticipate claims 13, 20 and 26.

Withdrawal of the rejection of independent claims 13, 20 and 26 and dependent claims 16, 17, 21, 22, 27 and 28 under 35 U.S.C. §102(b) is respectfully requested.

With further regard to claim 17, claim 17 recites “wherein the lattice reinforcing device does not have an arrangement for holding nuclear fuel rods.”

The Office Action alleges “that flat strips 54:...b) do not have an arrangement for holding nuclear fuel rods.” However, Gallacher teaches the contrary because grid 50 supports the fuel rods through springs. (See col. 4, lines 13 to 27).

For this additional reason, withdrawal of the rejection to claim 17 is respectfully requested.

35 U.S.C. §103 Rejections

Claims 18, 19, 24, 25, 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gallacher.

Claims 18, 19, 24, 25, 29 and 30 are dependent on claims 13, 20 and 26. Thus, in light of the discussion above regarding the independent base claims, withdrawal of the rejection of claims 18, 19, 24, 25, 29 and 30 is respectfully requested.

Application No. 10/574,258
Response to Office Action dated March 9, 2009

[12928/10027; 569.1012]
June 2, 2009

CONCLUSION

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____
John S. Economou (Reg. No. 38,439)

DATED: June 2, 2009

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940